



8-27-04

JFW RCE #

PTO/SB/30 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Request  
For  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/057,534
Filing Date	01/25/2002
First Named Inventor	Harry R. Davis et al.
Art Unit	1617
Examiner Name	Shengjun Wang
Attorney Docket Number	CV01378K

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply - 58 pages

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other Fee Transmittal - 1 Pg. in dup; Post Card

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☐ Deposit Account No. \_\_\_\_\_

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Ann Marie Cannoni	Registration No. (Attorney/Agent)	35,972
Signature		Date	08/26/2004

CERTIFICATE OF MAILING OR TRANSMISSION		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.		
Name (Print/Type)		
Signature		Date

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV533190840US

08/27/2004 JIALINAH 00000135 190365 10057534

01 FC:1601 770.00 DA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of : PATENT APPLICATION  
Harry R. Davis et al. :  
Serial No.: 10/057,534 : Group Art Unit: 1617  
Filed: January 25, 2002 : Examiner: Shengjun Wang  
For: Combinations of Bile Acid Sequestrant(s): Atty. Docket No.: CV01378K  
and Sterol Absorption Inhibitor(s) and :  
Treatments for Vascular Indications :

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

**Introductory Comments**

This amendment is being submitted concurrently with a Request for Continued Examination (RCE) and in response to the Advisory Action mailed on August 2, 2004.

Applicants herewith petition the Commissioner of Patents and Trademarks to extend the time to reply to the Office Action dated May 12, 2004 for one month from August 12, 2004 to September 12, 2004 and attached hereto is a Petition for Extension of Time authorizing payment of the extension fee from Deposit Account No. 19-0365.

Claims 1-3, 5-28, 31-36, 70-72, 74-77, 79 and 80 are pending in the application. Claims 4, 29, 30, 37-69, 73, 78 and 81 have been withdrawn from consideration by the Examiner as being non-elected. Claim 7 has been canceled, without prejudice to filing one or more related applications directed to the canceled subject matter thereof.

Please amend the application, without prejudice, as set forth below.